MT LEGISLATIVE HISTORY

Chapter 252 1967

Bill H _____ (S) 199 Original bill & hist. ___C

H. Committee on Townships Counties		S. Committee on Local Government	
Hearing Date(s) FEB 21	✓ C	Hearing Date(s) JAN 22	✓ C
_____	___C	JAN 28	✓ C
_____	___C	JAN 30	✓ C
_____	___C	_____	___C
Date Out _____	___C	_____	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

LOCAL GOVERNMENT 1-27-67

Committee met on recess with a quorum present.

CONSIDERATION OF SENATE BILL # 121 Author McOmber - feels H. B. # 273 does a better job and wishes it killed. Deschamps moves Vainio seconds this be held for further study until they see what becomes of H. B. # 273.

CONSIDERATION H. B. # 11 an act relating to motor vehicle registration fees. Passed as amended. Rasmussen and Deschamp moved and seconded. Rep. Nugent et al, authors. Proponents: Shubat and Wharton.

CONSIDERATION H.B. # 54 Authors Nugent, et al. Giving cities and towns money from judgments obtained on appeals from police courts.
Proponents: Nugent, Tom Hanrahan, Fred C. Root, James Reno.
Opponents: Ed Shubat, Mayor Auble, Wharten
Action on Bill: to be studied further.

CONSIDERATION OF S.B. # 120: Enabling city and county to construct, purchase or lease city-county building.
Author of Bill: Stein and Sample. Ben Stein, author, appeared in support of his bill, also Phillip H. Auble, of Glendive, Klinger, Al Dougherty, Martin Crennan.
Opponents: There were no opponents.
Action On Bill: Edwards moved Rasmussen seconds that it be placed in sub-committee. Bertsche is chairman, Bennett on sub-committee.

CONSIDERATION OF S. B. # 199: Authors, Gilfeather and others, qualifications tenure grounds for discharge of deputy sheriffs of first, second, and third class counties.
Proponents: Gilfeather, author, Shubat, Ross J. Wilson, Malcom Henary, John Krusl, James R. Burns, Harold Grinolds, Robert L. Remmington, Frank L. Powell, Bill Hunt, L. Coate, Ray M. Bulger, F.F. Griffin, L.D.W. Anderson, Roy R. Stewart, Bob Durkee, Dave Middlemas.
Action on Bill: Placed in sub-committee, Edward made motion and James seconded. Rasmussen, chairman, Edwards.

CONSIDERATION S.B. # 62: Came out of sub-committee, recommended Do Pass As Amended.

CONSIDERATION OF S.B. 191: Senator Klindt suggested that this be held open for the Saturday meeting because some concerned would appear.

Meeting Adjourned.

SENATOR THIESSEN

Newly Elected County Sheriffs - 1967

Big Horn	R. M. Miller
Blaine	Murdo McLean
Carbon	James F. Eichler
Custer	F.W. "Bill" Damm
Deer Lodge	Gene Thomson
Gallatin	L.D.W. Anderson
Hill	J. H. Broadus
Lake	W. A. "Bill" Phillps
Lincoln	James Pollard
Madison	Guy L. Hulse
McCone	Robert A. Jensen
Missoula	John G. Murphy
Mussellshell	George A. Palmer
Phillips	Pete Messerly
Pondera	Walter L. Hammermeister
Prarie	Gary Parsons
Ravalli	Dale E. Dye
Richland	Harold N. Grinolds
Roosevelt	Leo A. Cody
Sanders	Richard J. Cole
Sheridan	Lyle Medders
Toole	Ralph Burke
Valley	Frank Powell
Wibaux	Arleigh H. Meek, Jr.

RE: SENATE BILL #199

Two questions we are usually asked are

1. Why do we need Tenure (Career Service)

2. Do you feel all other County offices are equally entitled to the same.

The following will cover the answering of these two questions.

In order to keep up with the increased demands for professional knowledge of the new techniques used by the present day Criminals and the new and drastic changes required in our interrogation and arrest procedure caused by the recent United States Supreme Court opinion. We now more than ever constantly must keep abreast with the new changes in Laws, covering interrogation, arrests, search and seizure, etc.

These require special studies and training that we do not get at Academic Schools.

Higher admittance standards are now required to be able to meet the present demands on Law Enforcement.

With Career Service we could very well feel we could train Officers in such Schools as the F.B.I. Academy and expect to keep them. As it is now we can't afford to take the chance as these officers are (targets for request to join other Law Enforcement Agencies), as this training makes them desireable. These officers, understandably feel they should accept these ~~officers~~, if for nothing else, they owe it to their families, and can only without Career Service expect to be required to look for another job. If they are over 35 it becomes difficult and results in taking anything they can get, and consequently the families and standard of living suffers.

New personnel cannot give the required service that people expect and are entitled to.

With crime continually on the increase and the recent interpretation of our laws covering arrests, interrogation and Search and Seizures we need more than ever good,trained, level headed, reliable and dependable Officers.

The Sheriff is responsible for his Deputies official acts. They must make on the spot decisions. If these decisions are not good or acceptable he can be sued,and has. I have been sued. Once for $20,000.00. This gave me quite a jolt, especially with only Insurance coverage for $10,000.00, which is all I could get. It is now $15,000.00. Incidentally when this happened I was attending the Montana Law Enforcement Academy./ Our County has a liability policy. It covers all the County Departments except the Sheriffs. The premium is too high. We have to get our own. The annual premium averages $725.00. We pro rate this amongst ourselves.

Regarding the second question what training is gained in the other Departments can resonably be expected to be be useful in many other types of business, while that of the Law Enforcement training, I feel is only useful to Law Enforcement.

LOCAL GOVERNMENT 1-28-67

The Committee met on recess with a quorum present.

CONSIDERATION OF S.B. # 129 - Authors Mahoney, Hafferman, Turnage - authorized extra ordinary levies to service and pay bonded indebtedness. Senator Mahoney appeared on behalf of this bill. It was considered a "housekeeping bill." Action on bill: James moved and Bertsche seconded it that this bill pass. It was given a do pass.

CONSIDERATION OF S.B. # 199 - Gilfeather author appears for this bill and has amendments for it. Action taken - James moved seconded by Vainio, we accept the amendment. It was unanimous. Senator Rasmussen moved - seconded by Senator Bertsche - the bill do pass as amended. It carried do pass as amended.

CONSIDERATION OF S.B. # 93 and S.B. # 123 - Opponents appearing were Shugrue, Mayor Aubel, Mr. Wharten of Billings, also Mr. O'Leary opposes it but will appear on Monday. These will be gone into further on Monday.

CONSIDERATION OF S. B. # 191 - Klindt says author Hilling recommends this bill be killed. Vainio makes motion - Edwards seconds, and it carried that this bill do not pass.

CONSIDERATION OF S.B. # 121 - Since H. B. # 273 is in serious trouble in the House, Senator McOmber wants amendments put on this bill. Action on bill - Senator Bertshce makes motion Senator Vainio seconds and it is carried and the amendments were accepted. Senator Bertsche makes motion Senator Vainio seconds and it is carried and the amendments were accepted. It carried do pass as amended.

CONSIDERATION OF S. B. # 120 - Stein, et al - subcommittee not ready for report yet.

CONSIDERATION OF HOUSE BILL # 54 - Nugent, et al - Nugent appeared for his bill. Action on bill - Senator Vainio moves, Senator Bertsche seconds this bill be put in sub-committee with Senator Bertsche, chairman; Vainio, are the sub-committee.

There being no further business at this time the meeting was adjourned.

SENATOR THIESSEN, Chairman

COMMITTEE ON LOCAL GOVERNMENT 1-30-67

The Committee met at 1P. M. after recess with a quorum present.

CONSIDERATION OF S.B. 195 - Tracey, et al - Senator Tracey appeared on behalf of his bill. Mark P. Sullivan, Montana County Surveyors Assoc., was principal speaker. Others appearing for it were: Harlan M. Lund, Mr. And Mrs. E. Wheeler, Tom Ryan, Rep. Gunderson, C.H. Pearson, Malvin Merja, Alex G. Zbitnoff, Rep. Jack Healy. Opponents of this bill were Dan K. Mizner, Al Gaskill. Action - Vanio moves,Bertsche seconds to amend up to $20,000. It passed. Vainio moves, Bertsche seconds it do pass as amended. Carried.

CONSIDERATION OF S.B. 123 and S.B. 93 - Shugrue - author of this bill appeared. R.W. Golden,Montana Police Protective Ass'n., also spoke in favor of these bills. Kenneth Hom, C. Ron Cutting,Jim Murrey, also made statements concerning the desirability of this bill. Putting their names on record were: James L. Crawford, Wallace Stephens, Alfred J. Sampson, Those opposing these bills were: Al Klingler, W. Leary. There was rebuttel by Shugrue. Vainio moves Rasmussen seconds and it carries that it be put in sub-committee with Sen. James,Chair. Sample, Vainio.

CONSIDERATION OF S.B. 120 - from sub-committee that this bill be amended. Bennett moves,Sample seconds this be amemded. Senator moves, Senator Edwards seconds this bill be passed as amended.

Consideration OF S.B. 199 - Passed as amended on Saturday.

There being no further time for business at hand the meeting was adjourned.

Exhibits concerning these bills attached.

SENATOR THIESSEN, Chairman

CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. McFALL
PRESIDENT

SYMBOLS
DL = Day Letter
NL = Night Letter
LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

FEB 15 PM 2 49

144P PST FEB 15 67 PRA097
PR BIA213 PD FORSYTH MONT 15 220P MST
JOHN KRSUL
IMPERIAL 400 HELENA MONT
I AM IN FAVOR OF SB 199
SHERIFF ROSEBUD CO ANDY SCHULENBERG
(44).

SF1201(R2-65)

CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

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CHAIRMAN OF THE BOARD

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PRA074

PR SKA092 COLLECT=LIBBY MONT 15 1108A MST=

:SHERIFF JOHN KRSUL=
SHERIFFS OFFICE GREAT FALLS MONT=

:I AM IN FAVOR OF SENATE BILL 199=
JAMES POLLARD SHERIFF OF LINCOLN COUNTY=

Office of

Sheriff of Prairie County, Montana

PHONE

GARY H. LARSEN, SHERIFF
IVAN J. BAN, UNDERSHERIFF

Terry, Montana

2-9-67

John C. Krsul Sheriff
Cascade County
Great Falls, Montana

Dear Sheriff Krsul:

Thank you for the copy of Senate Bill no. 199. After having a chance to read this bill, I can see where it would be very benificial to a Sheriff's Office of our larger Counties.

It would help to keep some of the better Deputy's in law enforcement. And also attract better men into law enforcement.

Yours Truly

Gary H. Larsen

Gary H. Larsen Sheriff

February 21, 1967

Mr. Giesick moved that Senate Bill No. 199 be concurred in and the motion was carried.

Mr. Lombardi moved that Senate Bill No. 195 be concurred in as it is written. Mr. Holtz stated that the committee should give the amendments that Mr. Mizner submitted to the committee some consideration before deciding what action to take on the bill. Mr. Lombardi withdrew his motion and this will be discussed at the next meeting.

Mr. Sullivan moved to adjourn and the motion was carried.

Arnold Falkenstern, Chairman, Townships and Counties

CHAPTER 257

An Act to Amend Section 16-3705, R.C.M. 1947, to Provide Additional Qualifications for Deputy Sheriffs in First, Second and Third Class Counties; Providing Tenure for Such Deputies; Providing Grounds for Discharge of Such Deputies; Providing for Appeal Procedure; Containing a Repealing Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 16-3705, R.C.M. 1947, is amended to read as follows:

Qualifications of deputy sheriffs, marshals and policemen.

"16-3705. **Qualifications of deputy sheriffs, marshals and policemen.** *(1)* No sheriff of a county, mayor of a city, or other persons authorized by law to appoint special deputies, marshals, or policemen in this state to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputies, marshals, or policemen any person who shall not have resided continuously in this state for a period of one year at least, and in the county where such appointment is made for the period of at least six *(6)* months prior to the date of said appointment; provided, that the provisions of this section shall not apply in cases of such officers summoning a posse forthwith to quell public disturbance or domestic violence."

Deputy sheriffs of first, second and third class counties—qualifications.

(2) No sheriff of a first, second and third class county shall employ as a deputy any individual who does not possess all the following qualifications:

(a) graduate of an accredited high school or the equivalent thereof;

(b) good moral character;

(c) never been convicted of a felony;

(d) has not within five (5) years immediately preceding his date of employment been affiliated in any manner with a subversive organization;

(e) been examined by a physician licensed to practice in the state of Montana within thirty (30) days immediately preceding his date of employment and has been pronounced in good physical condition.

Subsection (2) of this section shall not be applicable to any deputy sheriff of a first, second or third class county

whose term of employment commenced prior to the effective date of this act.

Probationary period.

(3) Any person whose term of employment as a deputy sheriff of a first, second or third class county commences subsequent to the effective date of this act shall serve a one-year probationary period and that during this one-year period the employment of any such deputy may be terminated by the sheriff with or without cause and without recourse to the sheriff under the terms of this act.

Training.

(4) It shall be the duty of the sheriff of a first, second or third class county to cause all deputies whose term of employment commenced subsequent to the effective date of this act to attend that academy provided for by Chapter 52, Title 75, R.C.M. 1947, except that the sheriff may accept reasonable delays in attendance at the academy as shown by the deputy's declared intention of attending. Failure to satisfactorily complete the course offered by said academy shall be deemed cause to terminate a deputy's employment.

Removal.

(5) Any deputy sheriff of a first, second or third class county now employed or that may hereafter be employed shall continue in service until relieved of his employment in the manner hereinafter provided and only for one or more of the following specified causes:

(a) conviction of a felony subsequent to the commencement of such employment;

(b) wilful disobedience of an order or orders given by the sheriff;

(c) drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public place while in uniform or while on official duty;

(d) sleeping while on duty;

(e) incapacity materially affecting ability to perform official duties;

(f) gross inefficiency in the performance of official duties;

(g) participation in any political campaign as a candidate or the solicitation of political support for any candidate for public office.

Causes for discharge.

(6) When a sheriff of a first, second or third class county terminates the employment of a deputy he shall at

the time of termination cause to be served upon said deputy a statement in writing subscribed and sworn to by the sheriff setting forth the cause or causes for the discharge or termination of the deputy's employment.

Judicial review.

(7) Any deputy sheriff of a first, second or third class county whose employment is terminated from and after the effective date of this act, may within thirty (30) days from the date of the termination of his employment make application to the district court of the county wherein the deputy was employed for a hearing before the court, with or without jury, on the charges resulting in the deputy's termination of employment or discharge. In the event that a deputy prevails at the hearing he shall be entitled to be reinstated as a deputy sheriff at the same salary he received prior to his discharge or termination of employment and he shall also be entitled to any rights that might have accrued to his benefit prior to his discharge or termination of employment, including that salary which he would have received but for the termination.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Approved: March 2, 1967.

CHAPTER 258

An Act Relating to Bonds of Irrigation Districts and Proceeds of Sale Thereof, Providing That Any Other Surplus Funds of the District May be Invested by the County Treasurer at the Discretion and Direction of the Board of Commissioners; Amending Section 89-1708, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 89-1708, R.C.M. 1947, is amended to read as follows:

Delivery of bonds —disposition of proceeds.

"89-1708. **Delivery of bonds—disposition of proceeds.** In the event that bonds are sold for cash, they shall be delivered by the board of commissioners to the county treasurer of the county wherein the office of the district is located, who shall deliver them to the purchaser

upon receipt of the purchase price therefor, and after making a complete record of the same. Delivery of the bonds sold may be made by the county treasurer to the purchaser at any place or places within or without the state of Montana, and said county treasurer may receive the proceeds of the sale of said bonds at said place or places of delivery. The county treasurer shall thereupon place the proceeds of said sale to the credit of said district; and the same shall be paid out by the county treasurer only upon the written order of the board of commissioners, signed by the president and secretary under the seal of the district. Said proceeds shall be expended for the purpose or purposes for which said bonds were issued, and for no other. Provided, in case any portion of the funds realized from the sale of bonds are not needed immediately for the purpose for which said bonds were issued, the board of commissioners whenever, in its judgment, the same may be to the best interests of the district, shall have the power and authority to direct the investment of such funds, *and any other surplus funds of the district*, or any portion thereof, in interest-bearing securities of the United States, or of the state of Montana, or in interest-bearing certificates of deposit of national or state banks approved by the state superintendent of banks; provided, however, that in the event of such deposit said banks shall first furnish an indemnity bond to be approved by said board of commissioners and the state superintendent of banks. The county treasurer shall transfer to the credit of the district, and place to the credit of such fund or funds as the board of commissioners may direct, all interest received upon money or securities of the district entrusted to his care."

Approved: March 2, 1967.

CHAPTER 259

An Act to Amend Section 40-804, R.C.M. 1947, to Increase the Maximum Amount of Insurance That A Farm Mutual Insurer Shall Retain on a Single Risk From Ten Percent (10%) of the Admitted Assets of the Insurer or Five Thousand Dollars ($5,000), Whichever is Greater, to Ten Percent (10%) of the Admitted Assets of the Insurer or Fifteen Thousand Dollars ($15,000), Whichever Is Greater.